IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

***

Regular Second Appeal No. 2587 of 2005

Date of decision: July 26, 2007

Kashmiri Lal

... Appellant

Versus

Nafe Singh

.... Respondent

...

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

....

Present: Mr. S.K.Garg Narwana, Advocate
for the appellant.

....

This is plaintiff's second appeal against the concurrent findings of fact by both the Courts below dismissing his suit for recovery of Rs.90,000/- from the respondent-defendant.

The findings of the trial Court were upheld by the learned lower Appellant Court holding that mere signatures on a document does not mean that the contents of the documents are admitted and the plea raised by the person is that the signatures were obtained on blank papers. Further, the appellant has not been able to prove as to from where he had advanced Rs.70,000/- to the respondent-defendant on June 2, 1999. He had not been able to prove the same either by way of any entry in the account books or income-tax returns. The respondent-defendant had denied that he ever raised any loan from the appellant-plaintiff. Still further there was no attesting witness on the pro-note. Under these circumstances, the claim made by the appellant-plaintiff was found to be false and fabricated.

Learned counsel for the appellant was at pains while trying to submit that the findings recorded by the Courts below are perverse but could not succeed

as he could not point any evidence which has either been misread or not considered by the Courts below. On appreciation of evidence on record, a possible view has been taken by both the Courts below. Under these circumstances, I find that no substantial question of law arises in this appeal. The findings recorded by both the Courts below are findings of fact and call for no interference in regular second appeal.

Accordingly, the appeal is dismissed.

(RAJESH BINDAL)
JUDGE

July 26, 2007
RS